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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE RACKABLE SYSTEMS, INC.
SECURITIES LITIGATION

THIS DOCUMENT RELATES TO:
ALL ACTIONS.

) Case No. C-09-0222-CW

) CLASS ACTION

) **STIPULATION AND**
) **ORDER REGARDING SCHEDULING**
) **MATTERS**

1 WHEREAS, on June 15, 2009, Lead Plaintiffs filed the Amended Complaint for
2 Violations of the Federal Securities Laws (“Amended Complaint”);

3 WHEREAS, on August 4, 2009, the Court entered an order setting a briefing schedule for
4 Defendants’ motion to dismiss the Amended Complaint;

5 WHEREAS, Defendants filed their Motion to Dismiss the Amended Complaint for
6 Violations of the Federal Securities Laws (“Motion to Dismiss”) on August 13, 2009;

7 WHEREAS, Lead Plaintiffs filed their Opposition to Defendants’ Motion to Dismiss on
8 September 14, 2009;

9 WHEREAS, pursuant to a stipulation by the parties, the Court previously entered an order
10 extending the deadline for Defendants’ reply brief in support of the Motion to Dismiss to
11 October 21, 2009 and setting the hearing on Defendants’ Motion to Dismiss for November 19,
12 2009 at 2 p.m.;

13 WHEREAS, the parties have met and conferred regarding the briefing schedule for
14 Defendants’ reply brief in support of the Motion to Dismiss;

15 WHEREAS, the parties have agreed to a further extension of the deadline for Defendants’
16 reply brief which does not require any change to the hearing on the Motion to Dismiss; and

17 NOW, THEREFORE, the undersigned parties hereby stipulate and agree, and respectfully
18 request that the Court enter an order, as follows:

19 1. Defendants shall file their reply brief on or before October 30, 2009.

20 IT IS SO STIPULATED.

21
22 O’MELVENY & MYERS LLP

23
24 Dated: October 20, 2009

25 By: _____ /s/ _____
Meredith N. Landy

26 Attorneys for Defendants Rackable Systems,
27 Inc., Thomas K. Barton, Madhu Ranganathan
28 and Todd R. Ford

GLANCY BINKOW & GOLDBERG LLP

Dated: October 20, 2009

By: /s/
Lionel Z. Glancy
Michael Goldberg

Attorneys for Lead Plaintiffs

I, Meredith N. Landy, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order Regarding Scheduling Matters. In compliance with General Order 45, X.B., I hereby attest that Lionel Z. Glancy has concurred in this filing.

By: /s/
Meredith N. Landy

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED October 21, 2009



The Honorable Claudia Wilken
United States District Judge

MP1:1184802.1